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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,676	12/17/2004	Gunter Hommel	P/3754-11	2689

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NEW YORK, NY 100368403

EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,676	Applicant(s) HOMMEL, GUNTER	
	Examiner Flemming Saether	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Information Disclosure Statement

The Great Britain reference listed on applicant's IDS has not been received and therefore has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spherical and hyperboloid shapes (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered and applicant is reminded that the drawing corrections must be submitted as "Replacement Sheet[s]".

Specification

The disclosure is objected to because of the following informalities: the disclosure appears to be a direct translation from a foreign documents and includes the informalities inherent therewith. For example, the lack of appropriate heading and the specification referencing the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims also include areas of indefiniteness/objections as a result of the translation from a foreign language. For example: in claim 1, "particularly" is indefinite; in claim 1, line 5, the first occurrence of "an" should be --a--; in claim 1, "the screw connection" following "characterized" should be should be limited to the each screw of the connection; in claim 1, in the third to last line, there is no antecedent for "when the fixing is screwed in" which also make it unclear if applicant intends to claim the connection in the state prior to assembly or in the state post assembly. The subsequent claims include similar areas of indefiniteness/objections and should be further reviewed and revised to ensure they comply with current US standards. The claims were examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Muirhead (US 5,878,488). Muirhead discloses a screw connection comprising a housing having a top (12') connected to a bottom part by a series of fixing screws (14') each having a head (26'), a shank (28') and a transition area between the head and shank forming an

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integral tight-fitting neck (30') such that when the screw is screwed in the tight-fitting neck will deform a bore (22'), in a "skimming" cavity (at 20'), in the housing top creating a sealing connection (see Fig. 6). The bolt further includes a head connecting surface (24') which fits against the housing top (see Fig. 6) and extends to a tangent to the tight-fitting neck. The tight-fitting neck is shown as a spherical sector and includes a "hardened steel".

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Koeppel (US 6,361,259). Koeppel discloses a screw having a cone-shaped tight-fitting neck (6) which includes a tangent transitioning to an underside of the screw ("bolt") head (see Fig. 3).

Claims 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasan (US 4,663,910). Hasan discloses a sealing cone component (10) in combination with a screw (30) comprising an internal hole (12) and a tight-fitting neck (at 23) having a cone-shape with a tangent continuous transition (see Fig. 2 and 3) and there is provided a sealing surface (at 17, 20) with the bolt head. Even though the combination with the housing parts is only claimed as intended use, the sealing component of Hasan would meet the limitations because the sealing component is for use as a roofing fastener thus it would fasten housing parts and inherently compensate for fluctuations in temperature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muirhead as applied to claim 1 above, and further in view of Koeppel (US 6,361,259). Muirhead does not disclose the tight-fitting neck being frusto-conical shaped. Koeppel discloses a screw connection including fixing screws (1) having a frusto-conical tight fitting neck (6). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to form the tight-fitting neck of Muirhead in a frusto-conical shape as disclosed in Koeppel in order to provide the additional advantage of torque control as discussed in Koeppel which would protect the housing top from being damaged. It is well known to adjust or alter the dimensions of a screw or parts of the screw in order for it to be operable in different applications.

Conclusion

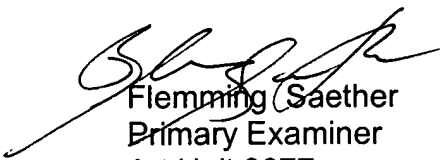
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Flemming Saether
Primary Examiner
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